

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, and THE COUNTY  
OF STEUBEN

Plaintiffs,  
v.

**ORDER**  
09-CV-33S

INGERSOLL-RAND CO., CORNING  
INCORPORATED, KRAFT FOODS GLOBAL,  
INCORPORATED, NEW YORK STATE  
ELECTRIC & GAS CORPORATION, and THE  
UNITED STATES OF AMERICA

Defendants.

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On December 23, 2008, the parties filed a Stipulated Consent Decree for this Court's approval. (Docket No. 2.) This Court has reviewed the Complaint, the Consent Decree, and the applicable law. Based on that review, this Court will approve the Consent Decree.

Approval of a proposed consent decree falls squarely within the court's discretion and should be considered in light of the strong policy of encouraging voluntary settlement of litigation. See United States v. Hooker Chems. & Plastics Corp., 776 F.2d 410, 411 (2d Cir. 1985). To warrant approval, the proposed consent decree must (1) arise from and resolve a dispute over which the court has subject matter jurisdiction, (2) fall within the scope of the case made by the pleadings, and (3) further the objective of the law upon which the complaint was based. See Local No.93, Int'l Ass'n of Firefighters, AFL-CIO C.L.C. v. City of Cleveland, 478 U.S. 501, 525, 106 S.Ct. 3063, 3077, 92 L.Ed.2d 405 (1986); Kozlowski v. Coughlin, 871 F.2d 241, 244 (2d Cir. 1989); United States v. City of

New York, 30 F.Supp.2d 325, 330-31 (E.D.N.Y. 1998). Moreover, “[i]t is well settled that the function of the reviewing court is not to substitute its judgment for that of the parties to the decree but to assure itself that the terms of the decree are fair and adequate and are not unlawful, unreasonable, or against public policy.” United States v. Hooker Chems. & Plastics Corp., 540 F.Supp. 1067, 1072 (W.D.N.Y. 1982).

This Court is satisfied that the consent decree in this case meets these requirements. Approval is therefore warranted.

IT HEREBY IS ORDERED, that the Stipulated Consent Decree (Docket No. 2) is APPROVED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: January 31, 2009  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge